

A MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL BE HELD IN THE THIRD FLOOR ASSEMBLY ROOM AT THE CITY/COUNTY BUILDING ON TUESDAY, MAY 27, 2008 AT 10:00 A.M.

PRESENT: Matt Denison, Carl Malysz, Kay Garry, Police Chief Greg Crabtree, Code Enforcement Officer Pam Badger, Traffic Director Dennis Smith, Fire Chief Matt Juliot, Street Dept Director Mickey Thompson, City Clerk Marcey Wisman, Building Commissioner Ron Hartman, Flood Control Director Ron Granger, David Hall, Animal Control.

CALL TO ORDER:

Mr. Malysz called the meeting to order at 10:04 a.m.

PLEDGE OF ALLEGIANCE:

NEW BUSINESS:

Item #1 - Dennis Smith re: Handicap request for Mr. Howerton at 112 E Oak Street

Mr. Smith presented a request for a handicap sign for Mr. Howerton at 112 E. Oak Street, and he recommended that the board approve the request.

Mrs. Garry moved to approve, Mr. Denison second, all voted in favor.

Item #2 - Yvonne Lanahan re: street light 820 E 11th Street (812) 557-2615

Mrs. Lanahan was not present.

Mr. Malysz asked Mr. Thompson to investigate this item and report back to the board.

Item #3 - Tom Schellenberg re: approval for Phase II of the Daisy Lane project. (812) 288-6646

Mr. Rosenbarger presented a press release regarding the closing of Daisy Lane which is slated to take place next week. Said release is on file with the City Clerk's office.

Mr. Malysz asked if anything had changed since their last meeting when they approved the detour.

Mr. Schellenberg stated that was correct.

Mr. Malysz stated that this will also be discussed during the redevelopment meeting today at 2:00PM if anyone wants more information. He asked who had the lowest bid.

Mr. Rosenbarger stated that it was Excel Excavating who just finished the work on Spring Street.

Mr. Malysz asked Mr. Schellenberg if he was satisfied with this company and their work.

Mr. Schellenberg stated that he was.

Mr. Thompson asked if Delta Electric got with them to discuss the traffic light timing.

Mr. Schellenberg stated that they have talked with them and they are supposed to look at the traffic light at Knable and Captain Frank because it is not working with the loops.

Mr. Malysz asked if Mr. Schmidt had anything to add to this conversation.

Mr. Schmidt reported that the priest from Holy Family informed the parish that they would be able to continue to use Daisy Lane until the access road is completed and the road construction begins.

Mr. Schellenberg stated that all local residence will be able to access the area in one way or the other and that includes the Holy Family parish

OLD BUSINESS:

Item #1 - Leo Messmer with Dan Christiani re: requesting street cut permit for Mt. Tabor Rd. 502-552-4689

Mr. Malysz stated that a couple weeks ago Mr. Messmer was before the board on behalf of Dan Christiani to discuss a street cut permit at Mt. Tabor Road and he is not sure if this has been resolved and asked if they had any updates.

Mr. Thompson stated that he is still waiting to hear from Mr. Lanz for the best way to do this cut.

Mr. Malysz asked Mr. Schellenberg to stick around after the meeting to discuss the proposed cut.

Item #2 - William Reid, Superior Environmental Corp, re: request to do soil borings in the right of ways on E. Spring and E. 5th for AT&T

Mr. Thompson stated that he has not been able to reach Elizabeth Coyle yet.

Mr. Malysz stated that he would recommend calling her again today and letting her know that it is imperative that they come to a conclusion on this for the next board meeting.

Mr. Thompson stated that he did talk with Mr. Reid from Superior and they have received an extension on when they have to have their report in.

Item #3 - Speeding problem on Linden Street

Mr. Malysz asked if anyone from the police department had anything to report on this.

Mr. Smith stated that they have been patrolling the area and there have been tickets issued. He stated that he doesn't know if the problem is any better but they did get the four-way stops put in and they are patrolling the area.

Mr. Thompson stated that he has talked with one of the residence in the area that lives on the corner and she seemed to be very pleased with the results so far.

Mr. Malysz stated that he wanted to have one more report on this next week. He stated that they have also had some discussions regarding the "Robocop" which is not in working condition and Mayor England is interested in getting it back in working order or purchasing a new one so that they can curb speeding and take pictures of violators.

Mr. Smith stated that they do not do photographs anymore because the clarity is not good and not useful.

Mr. Malysz asked that Mr. Denison work with the police Department on this and bring a summary of what the unit is all about for the board.

Item #4 - Request to remove "No Parking" signs and yellow curb at 502 State Street

Mr. Malysz asked for a report on this issue.

Mr. Smith stated that the curb is yellow from State down to Elm and they are going to white that out and remove any “No Parking” signs.

Mr. Thompson stated that it would be painted tomorrow.

Mr. Malysz entertained a motion to approve Mr. Smith’s recommendations.

Mr. Denison moved to approve, Mrs. Garry second clarifying that the location is on Elm Street not State, all voted in favor.

Item #5 – Charles Crowley – Diving with Chuck

Mr. Malysz stated that at the last meeting when Jimmy was here they did not have enough information to approve this.

Mr. Crowley explained that he will install a 42” pool and his instructors will go into the pool with individuals to demonstrate what it is like to breath under water. He explained that they have all the proper safety equipment and he and his instructors have about 40 year of combined experience between them. He stated that they just wanted to give the public the opportunity to try something different. He explained that they will have basic medical and liability waivers for the individuals to sign before they get into the water.

Mr. Malysz asked if this was an insured event.

Mr. Crowley stated that he carries a \$2M liability insurance policy.

Mr. Malysz entertained a motion to add this addendum to Jimmy’s Music Stores request

Mrs. Garry moved to approve, Mr. Denison second, all voted in favor.

COMMUNICATIONS - CITY OFFICIALS:

Mr. Malysz requested that Pam Badger look into the mess at Classic Furniture with Ron Hartman and he would like for her to issue some citations. He stated that this has gone on too long and he has asked the owner to come in and discuss this with him and he has not responded.

Mr. Denison stated that Mike Kopp called before the meeting and they need a storage unit in front of the store

Mr. Denison moved to approve the placement of a POD in front of the Fair Store in Two parking spaces from now until June 5th, Mrs. Garry second, all voted in favor.

Mrs. Garry stated that she would like to make sure that will not be placed in front of the antique store blocking their customers parking.

COMMUNICATIONS – PUBLIC:

John Kraft, spoke regarding the New Chapel EMS application, he stated that under the ordinance there is requirement for an application to the administration. He stated that it was his understanding that this would be heard today at their meeting. He stated that they have received a letter written from Shane Gibson. He stated that in the research of the ordinance which is over 21 years old which stated that this go before the Public Safety Board which does not exist and so they are asking for approval of their application today.

Mr. Malysz stated that none of them have had conversations with

Mr. Kraft stated that the ordinance states that the their application will be on the agenda of the first meeting after it is filed and they were told that they would be on the agenda for todays meeting.

Mr. Denison stated that it was his understanding that New Chapel would get in contact with the Clerk's office themselves to be put on the agenda.

Mr. Malysz asked Ms. Wisman what she remembered.

Ms. Wisman stated that it was her understanding that their application was still under consideration and that she would be informed when it needed to be placed on the agenda and no one contacted her office.

Mr. Malysz asked to see any information that he had on this matter. After reviewing the information Mr. Malysz called a recess in order to discuss this matter with Attorney Shane Gibson.

TAPE COMES BACK IN

Mr. Malysz called the meeting back to order and informed the board what his conversation with the City Attorney was. He stated that they discussed the due process and that the Attorney concurs with Mr. Kraft, but since the Emergency Service board was never created therefore this body is the defaulting body to handle this application. He stated that they will need to follow the due process and have this on the agenda for the next meeting. He stated that Chief Juliot has some questions regarding the application that was processed.

Chief Juliot stated that he would like to sit down with representatives from New Chapel because there are some areas of their application that he was not clear on.

Mr. Malysz stated that at this point he is not in a position to make a decision and he knows that Mr. Kraft had asked for a temporary permit and he knows that they have been operating without a permit. In the effort of good faith he would entertain a motion from this board to table this item until the next meeting when they can hold a proper hearing.

Mr. Kraft stated that his main concern is that New Chapel's customers where informed of their lack of a permit prior to them being informed that they needed a permit, and they have filed a complete application and believe that they should be given a temporary permit in order to operate

Mr. Malysz stated that he appreciates what he is saying, but he is still not in a position to make a decision on this today, but they are willing to set a public hearing for the next meeting to hear from both the Fire Department and New Chapel.

Mr. Kraft stated that when he says that he "appreciates what he is saying" it is like saying with "all due respect" and he thinks that the other piece of this that he thinks is absolutely wrong is how they are dealing with their own ordinance that says "at the next regularly scheduled meeting". He stated that they appeared at the next meeting after filing the application and they are being put off once again. He explained that they have not been operating because of this permit issue and they are following what they are told to do but the providers are also telling them that they do not have proper permits so they can't do any work and to ask them to wait another week is doing them harm. He stated that he thinks this is completely wrong when these individuals are doing what they are supposed to do according to the City's own ordinance and the Board of Works is the only board they have to come before because there is no EMS board for them to go before and if they had to wait until they met they would never get their permit.

Mr. Malysz stated that he was just made aware of the due process of this matter today by Mr. Gibson and was not aware that there was not an EMS Board until today.

Mr. _____ stated that he asked the fire chief at the last meeting if there was a EMS Board and he said that their was not and it will be on the record.

Mr. Denison stated that he remembered this being discussed at the last meeting and he

assumed that they would see the clerk and get this item on the agenda when it was ready to be discussed whether it be today or a month from now.

Ms. Wisman stated that she believes the problem is that it was never discussed how it would be handled and it was her understanding that a representative of the Fire Department would bring it to her to be put it on the agenda after their consideration. She stated that no one on the board was ever given a copy of their application to review and she isn't sure whose responsibility it was to do that.

Mr. Denison stated that this is not a routine issue for them and they are not trying to slow the process down at all but it is an information gap that they must fill before they can make a decision.

Mr. Malysz entertained a motion that the board of public works and safety is going to be responsible for implementing a full process and that they do have a complete application and they are in the position to hold a hearing for next Tuesday and they will hear information from the Fire Department and New Chapel and hopefully they will receive enough information to make a decision at that time.

Mrs. Garry moved to approve the motion as entertained by Mr. Malysz, Mr. Denison second, all voted in favor.

Mrs. Garry stated that this needs to be taken back to the council because this is a flawed ordinance.

Mr. Malysz stated that the motion should be amended to take this back to the council to be modified.

Mrs. Garry moved to add the amendment to the motion, Mr. Denison second, all voted in favor.

Mr. Malysz asked that the Fire Department meet with New Chapel to discuss their concerns.

BIDS:

APPROVAL OF MINUTES:

Mrs. Garry moved to approve the May 20th meeting minutes, Mr. Denison second, all voted in favor.

ADJOURN:

There being no further business before the board, the meeting adjourned at 11:11 a.m.

Carl Malysz, President

Marcey J. Wisman, City Clerk